

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Joseph McLean, Paul Dunn, Phillip DiWilliams,
Darin Buckman, Mark Pinkosh, and Troy Franks,

Civil No. 18-3175 (DWF/HB)

v.

Plaintiffs,

**ORDER FOR DISMISSAL
WITHOUT PREJUDICE**

United States Conference of Catholic Bishops,

Defendant.

Based upon the Notice of Dismissal filed by the Plaintiffs on June 6, 2019, (Doc. No. [59]), and the Court having reviewed the submissions of each party and being otherwise duly advised in the premises, hereby enters the following order:

1. **IT IS HEREBY ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** and without cost or disbursements to either party;
2. The attached Memorandum is made a part hereof.

Dated: July 9, 2019

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge

MEMORANDUM

The Court has dismissed this matter without prejudice pursuant to the Notice of Dismissal filed by the Plaintiffs as noted in the Order on June 6, 2018 (Doc. No. 59). Admittedly, there are circumstances under which the procedures asserted by defense counsel in his letter of June 19, 2019, (Doc. No. 63) would be required and appropriate. However, there are also circumstances when a Notice of Voluntary Dismissal Without Prejudice is appropriate without a Rule 60(b)(1) motion as asserted by Plaintiffs' counsel when the District Court has a policy addressing documents that are electronically filed in error (Doc. No. 58), as was the case here. Moreover, the Court did not require a motion by the Plaintiffs finding that there was no prejudice to either party by acknowledging the dismissal without prejudice under the specific procedural circumstances on the record before the Court.

For these reasons, the Court has dismissed the case without prejudice.

DWF